UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,416	08/08/2000	Brig Barnum Elliott	99-466	4607

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VERIZON CORPORATE SERVICES GROUP INC.
C/O CHRISTIAN R. ANDERSEN
600 HIDDEN RIDGE DRIVE
MAILCODE HQEO3H14
IRVING, TX 75038

EXAMINER
COLIN, CARL G

ART UNIT	PAPER NUMBER
2136	3

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/634,416	ELLIOTT, BRIG BARNUM
	Examiner	**Art Unit**
	Carl Colin	2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2000</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>8/8/2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

DETAILED ACTION

1.   Pursuant to USC 131, claims 1-22 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

2.1   **Claims 1-6, 8-10, 12-15, 19-22** are rejected under 35 U.S.C. 102(e) as being anticipated

by US Patent 6,195,669 to **Onodera et al.**.

2.2   **As per claims 1, 2, 8-10 and 13-14, Onodera et al.** discloses a system having a random

source adaptable for distributing a random bit stream over a network, said system comprising: an

input interface coupled to the random source for receiving a random data stream from the

random source and outputting the random bit stream (see column 5, lines 20-25); a processor for

receiving the random bit stream from the input interface and outputting the random bit stream in

a machine-readable form (see column 11, lines 47-55); a memory coupled to the processor for

storing machine-readable instructions used by the processor for formatting the random bit stream

into a machine-readable form (see column 22, lines 30-55 and column 25, lines 14-27); and a

network connection coupled to the processor for making the random bit stream available to a

network (see column 21, line 43 through column 22, line 5).

      As per claim 3, **Onodera et al.** discloses the limitation of wherein the processor for

receiving the random bit stream comprises: a first processor; and a second processor

communicatively coupled to said first processor (see column 11, lines 30-59).

      As per claim 4, **Onodera et al.** discloses the limitation of wherein the first processor and

second processor share said memory (see column 21, lines 43-45 and column 11, lines 30-59 and

column 12, line 63 through column 13, line 4).

      As per claim 5, **Onodera et al.** discloses the limitation of wherein the network

connection communicates with an Internet protocol network (see column 2, lines 21-31 and

column 25, lines 34-45).

   As per claim 6, Onodera et al. discloses the limitation of using the invention in any

network and general purpose computers that meets the recitation of wherein the network

connection communicates with a wireless network; using a laptop computer for wireless

communication does not depart from the spirit and scope of the invention disclosed by Onodera

et al. (see column 2, lines 21-3, lines 48-51, and column 25, lines 34-45).

   As per claim 12, Onodera et al. discloses a distributed system for the production and

distribution of random bits, the distributed system comprising: a first random number source

generating a first random data stream, a second random number source generating a second

random data stream, an interface to the first random number source for receiving the first random

data stream and the second random data stream, the interface outputting a random bit stream (see

column 14, lines 21-36 and column 15, lines 10-35); a processor for receiving the random bit

stream from the interface, and for formatting the random bit stream for distribution in a

machine-readable form: a network connection coupled to the processor for making the

machine-readable random bit stream available to a network: and a memory coupled to the

processor for storing machine-readable instructions used by the processor to format the random

bit stream for distribution to the network connection (see column 22, lines 37-55).

   As per claim 15, Onodera et al. discloses the limitation of further comprising the step of

processing the random bit stream to ensure that successive bits are unbiased (see column 18,

lines 8-52 and column 24, lines 40-47). **Onodera et al.** discloses that one user can have control

of the length of random bits generated and bits are generated by true random.

As per claim 19, Onodera et al. discloses the limitation of further comprising the step

of: encapsulating the random bit stream (see column 23, line 1-3).

As per claim 20, Onodera et al. substantially teaches a system for making random

numbers available to a remote user in digital form, the system comprising: a computer, a display

device communicatively coupled to the computer, the display device comprising: a first window

for displaying information about a random bit stream awaiting distribution over a network (see

column 17, lines 55-65); a second window for displaying diagnostic information regarding the

random bit stream (see column 18, lines 10-14); and a window manager for controlling the

layout of and communication of data to the first window and the second window while present

for viewing on the display device (see column 17, line 55 through column 18, line 54).

As per claim 21, Onodera et al. discloses the limitation of further comprising: a third

window, displayable on the display device, for communicating information to a remote computer

(see column 25, lines 15-28).

As per claim 22, Onodera et al. discloses the limitation of further comprising: an input device

(see column 21, lines 8-12).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or

described as set forth in section 102 of this title, if the differences between the subject matter

sought to be patented and the prior art are such that the subject matter as a whole would have

been obvious at the time the invention was made to a person having ordinary skill in the art to

which said subject matter pertains. Patentability shall not be negatived by the manner in which

the invention was made.

3.1   **Claims 7, 11, 16, 17, and 18,** are rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent 6,195,669 to **Onodera et al.** in view of US Patent 6,684,333 to **Walker et al.**.

3.2   **As per claim 7, Onodera et al.** substantially teaches the claimed system of claim 1 and

further teaches the use of physical random numbers at low price over a network (see column 21,

line 55 through column 22, line 5). **Onodera et al.** does not explicitly disclose storing

accounting information about the random bit stream. However, **Walker et al.** in an analogous

art teaches random codes with price stored in database (see column 8, lines 36-43). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the system of **Onodera et al.** to provide an access management comprising a database to

store accounting information about the random bit stream as taught by **Walker et al.** in order to

provide a new and improved system for selling digital data. This modification would have been

obvious because one skilled in the art would have been motivated by the suggestions provided by

Walker et al. so as provide a new and improved system for selling digital data.

As per claims 11, 16, 17, and 18, Onodera et al. substantially teaches the claimed

method of claims 8 and 12 and further teaches the use of physical random numbers at low price

over a network (see column 21, line 55 through column 22, line 5). **Onodera et al.** does not

explicitly disclose validating a user account prior to transmitting the random bits over the

network. However, **Walker et al.** in an analogous art teaches the step of validation prior to

transmitting digital data and confirming that the remote user has received and billed for the

received digital data (see column 3, line 8 through column 9, line 4 see also column 9, lines 40-

67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the method of **Onodera et al.** to validate a user account prior to

transmitting the random bits over the network confirm that the remote user has received and

billed for the received the distributable random bit stream as taught by **Walker et al.** in order to

provide a new and improved system for selling digital data (column 2 lines 66-67). This

modification would have been obvious because one skilled in the art would have been motivated

by the suggestions provided by **Walker et al.** so as provide a new and improved system for

selling digital data.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure as the art discloses the use of generating random numbers using electrical noise.

US Patents: 5,627,775   Hong et al.

4.1   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The

examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

        Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

Carl Colin

Patent Examiner

March 7, 2004

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100